



PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1008 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-7-13-10.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JANUARY 1, 2016]: **Sec. 10.5. Notwithstanding**
- 6 **section 10 of this chapter, an individual may register or transfer**
- 7 **registration on the day of a primary, general, municipal, school**
- 8 **district, or special election as provided in IC 3-7-49.**
- 9 SECTION 2. IC 3-7-13-11 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 11. A person
- 11 desiring to register or transfer a registration may do so:
- 12 **(1) at the office of the circuit court clerk or board of registration**
- 13 **through the close of business on the twenty-ninth day before the**
- 14 **election is scheduled to occur; or**
- 15 **(2) on the day of a primary, general, municipal, school**
- 16 **district, or special election as provided in IC 3-7-49 or**
- 17 **IC 3-10-11.**
- 18 SECTION 3. IC 3-7-13-12, AS AMENDED BY P.L.1-2006,
- 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JANUARY 1, 2016]: Sec. 12. Except as otherwise provided in this
- 21 article, if a county voter registration office receives a properly

completed registration application during a time other than the registration period described in section 10 ~~or 10.5~~ of this chapter, the county voter registration office shall enter the data from the application into the computerized list and designate the application as pending. ~~in the same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5.~~ However, the county voter registration office shall ensure that

- ~~(1) the notice required under IC 3-7-33-5 is not mailed to the applicant before the first day that the registration period reopens;~~
- ~~and~~
- ~~(2) the registration information provided by the applicant does not appear on any certified list of voters or certificate of error issued under this article.~~

SECTION 4. IC 3-7-33-5, AS AMENDED BY P.L.64-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 5. (a) This subsection does not apply to a voter who indicates:

- (1) under IC 3-7-39-7 or on an absentee application submitted under IC 3-11-4 that the voter has changed the voter's residence to an address within the same precinct where the voter's former address was located; or
- (2) under IC 3-7-41 or an absentee application submitted under IC 3-11-4 that the voter has changed the voter's name.

When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under ~~42 U.S.C. 1973gg-6(a)(2)~~, **52 U.S.C. 20507(a)(2)**, the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.
- (3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:
 - (A) ~~Except as provided under subsection (g);~~ The applicant is registered to vote under the **applicant's** residence address. ~~when the applicant receives the notice. An applicant is~~

presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(4) In accordance with ~~42 U.S.C. 1973ff-1(d)~~, **52 U.S.C. 20302(d)**, if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may not include a voter identification number.

(e) The notice required by subsection (b) may include a voter registration card.

(f) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall ~~determine~~ **indicate on the computerized list maintained under IC 3-7-26.3** that the applicant is ineligible and deny the application. **applicant's registration is inactive.**

(g) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

(1) is not returned by the United States Postal Service and received by the county voter registration office at; or

(2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (e); the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period under subsection (e) expires before election day;

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g); and

(3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(i) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

(1) the seven (7) day period has not expired before election day;
and

(2) the applicant has not presented the notice mailed under
subsection (b) to the county voter registration office as provided
under subsection (g);

the county voter registration office shall notify the county election
board. The county election board shall certify to the inspector of the
precinct where the applicant resides that the applicant's voter
registration application is pending, and that the voter, subject to
fulfilling the requirements of IC 3-11-7, is entitled to cast a provisional
ballot.

SECTION 5. IC 3-7-36-14, AS AMENDED BY P.L.76-2014,
SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2016]: Sec. 14. (a) This section applies to a person
described in subsection (b) who applies to register to vote during the
period:

(1) beginning on the seventh day before election day; and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana
during the registration period applicable to the voter under this chapter
and who otherwise would be entitled to register to vote under Indiana
law may, upon returning to Indiana during the period described in
subsection (a) following discharge from service or reassignment,
register to vote by doing the following:

(1) Showing either of the following to the county voter
registration office:

(A) A discharge from service, dated not earlier than the
beginning of the registration period that ended on the eighth
day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a
reporting date not earlier than the beginning of the registration
period that ended on the eighth day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) **Except as provided in subsection (g)**, a voter who registers
under this section may vote at the upcoming election only by absentee
ballot at the office of the circuit court clerk at the time the voter
registers under this section or at any time after the voter registers under
this section and before noon on election day. A voter who wants to vote
under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

(g) A person described in subsection (b) may register and vote on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 6. IC 3-7-48-1, AS AMENDED BY P.L.271-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless:

(1) the county voter registration office issues a signed certificate of error immediately available for inspection in the county voter registration office showing that the voter is legally registered in the precinct where the voter resides; **or**

(2) the voter has registered as provided in IC 3-7-49.

(b) A person:

(1) whose name does not appear on the registration record; **and**

(2) who does not register as provided in IC 3-7-49;

may cast a provisional ballot as provided in IC 3-11.7.

SECTION 7. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]:

Chapter 49. Election Day Registration

Sec. 1. (a) A person who is not registered to vote but is otherwise qualified to vote shall be allowed to vote at the polls in a primary, general, municipal, school district, or special election if the person registers at the polls under this chapter.

(b) In order to register to vote at a precinct under this chapter, a person:

(1) must be a resident of the precinct;

(2) must be otherwise legally qualified to vote under IC 3-7-13-1;

(3) may not be registered to vote under IC 3-7-14 through IC 3-7-22;

(4) may not be qualified to vote under IC 3-7-39-7, IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12; and

(5) may not have already voted in the election.

(c) Before allowing a person to vote under this chapter, the poll clerk or other precinct election officer shall require the person to do the following:

(1) Complete a voter registration form prescribed by IC 3-7-18, along with the affirmation described in section 3 of this chapter, and sign the form in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer.

(2) Provide acceptable proof of residence.

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of residence:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.

(3) A statement signed by any other voter in the precinct that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator must provide the identification listed in subdivision (1) or (2) as proof of the corroborator's residence and must sign the statement in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If a person presents a document under subsection (a), the poll clerk shall add a notation to the poll list indicating the type of document presented by the person. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the person under IC 3-11.7-2.

(d) The precinct election board shall advise the person that the

1 person may file a copy of the documentation with:

- 2 (1) the county voter registration office; or
- 3 (2) the precinct election board in the voter's precinct;

4 to permit the provisional ballot to be counted under IC 3-11.7.

5 **Sec. 3.** The commission shall prescribe the affirmation required
6 by section 1(c)(1) of this chapter. The affirmation must include a
7 statement that the person has not already voted at the election for
8 which the person is registering to vote.

9 **Sec. 4.** A person who registers to vote under this chapter:

- 10 (1) may not be challenged on the grounds that the person's
11 registration does not appear in the precinct registration book
12 or poll list; and
- 13 (2) is not required to obtain a certificate of error under
14 IC 3-7-48 to vote.

15 **Sec. 5.** Before each primary, general, municipal, school district,
16 or special election, the county election board shall provide each
17 precinct election board with a sufficient number of registration
18 forms, affirmations, and statements to meet the reasonable need
19 for the forms under this chapter.

20 **Sec. 6.** The precinct election board shall attach the completed
21 registration forms, affirmations, and statements to the poll list for
22 processing by the county voter registration office under
23 IC 3-10-1-31.1.

24 **Sec. 7. (a)** The precinct election board shall add the name and
25 address of a person who registers to vote under this chapter to the
26 poll list of the precinct.

27 **(b)** The county voter registration office shall add the name of a
28 person who registers to vote under this chapter to the registration
29 record of the county.

30 **Sec. 8.** The county voter registration office shall process under
31 IC 3-7-33-5 the voter registration forms completed under section
32 1 of this chapter.

33 **Sec. 9.** If a notice mailed under IC 3-7-33-5 to a person who
34 registered under this chapter is returned as undeliverable, the
35 county voter registration office shall initiate steps under
36 IC 3-7-33-6 to remove the person from the registration rolls.

37 **Sec. 10.** A registration completed under this chapter for which
38 the notice mailed under IC 3-7-33-5 is not returned is effective to
39 the same extent as if the registration had been completed under
40 IC 3-7-14 through IC 3-7-22."

41 Page 3, between lines 25 and 26, begin a new paragraph and insert:
42 "SECTION 13. IC 3-10-8-9, AS AMENDED BY P.L.10-2010,
43 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JANUARY 1, 2016]: Sec. 9. (a) If the special election occurs during
45 the period when registration is open under IC 3-7-13, the registration
46 period continues through the twenty-ninth day before the special
47 election occurs and resumes on the date specified by IC 3-7-13-10(d),

1 **except that a person may register or transfer registration on the**
 2 **day of a special election as provided in IC 3-7-49.**

3 (b) The election board conducting the special election shall provide
 4 poll lists for use at the precincts that include the names of voters in the
 5 precinct who:

6 (1) have registered through the twenty-ninth day before the
 7 special election is to be conducted; or

8 (2) are absent uniformed services voters or overseas voters
 9 registered under IC 3-7-36.

10 (c) This subsection applies when a special election is ordered by a
 11 court under IC 3-12-8-17 or the state recount commission under
 12 IC 3-12-11-18. A candidate may not be placed on the special election
 13 ballot unless the candidate was on the ballot or was a declared write-in
 14 candidate for the office at the general election preceding the special
 15 election."

16 Page 5, between lines 6 and 7, begin a new paragraph and insert:

17 "SECTION 15. IC 3-11-4-1, AS AMENDED BY P.L.66-2010,
 18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2016]: Sec. 1. (a) A voter who is otherwise qualified to
 20 vote in person is entitled to vote by absentee ballot: ~~Except~~

21 **(1) by mail;**

22 **(2) before an absentee voter board** as otherwise provided in this
 23 article; ~~a voter voting by absentee ballot must vote~~

24 **(3) in the office of the circuit court clerk (or board of elections**
 25 **and registration in a county subject to IC 3-6-5.2); or**

26 **(4) at a satellite office established under IC 3-11-10-26.3.**

27 (b) A county election board, by unanimous vote of its entire
 28 membership, may authorize a person who is otherwise qualified to vote
 29 in person to vote by absentee ballot if the board determines that the
 30 person has been hospitalized or suffered an injury following the final
 31 date and hour for applying for an absentee ballot that would prevent the
 32 person from voting in person at the polls.

33 (c) The commission, by unanimous vote of its entire membership,
 34 may authorize a person who is otherwise qualified to vote in person to
 35 vote by absentee ballot if the commission determines that an
 36 emergency prevents the person from voting in person at a polling place.

37 (d) The absentee ballots used in subsection (b) or (c) must be the
 38 same official absentee ballots as described in section 12.5 of this
 39 chapter. Taking into consideration the amount of time remaining before
 40 the election, the commission shall determine whether the absentee
 41 ballots are transmitted to and from the voter by mail or personally
 42 delivered. An absentee ballot that is personally delivered shall comply
 43 with the requirements in sections 19, 20, and 21 of this chapter.

44 SECTION 16. IC 3-11-4-2, AS AMENDED BY P.L.64-2014,
 45 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 46 JANUARY 1, 2016]: Sec. 2. (a) A voter who wants to vote by absentee

1 ballot must apply to the county election board for an official absentee
 2 ballot. Except as provided in subsection (b), the voter must sign the
 3 absentee ballot application.

4 (b) If a voter with disabilities is unable to sign the absentee ballot
 5 application and the voter has not designated an individual to serve as
 6 attorney in fact for the voter, the county election board may designate
 7 an individual to sign the application on behalf of the voter. If an
 8 individual applies for an absentee ballot as the properly authorized
 9 attorney in fact for a voter, the attorney in fact must attach a copy of the
 10 power of attorney to the application and comply with subsection (d).

11 (c) A person may provide an individual with an application for an
 12 absentee ballot with the following information already printed or
 13 otherwise set forth on the application when provided to the individual:

- 14 (1) The name of the individual.
- 15 (2) The voter registration address of the individual.
- 16 (3) The mailing address of the individual.
- 17 (4) The date of birth of the individual.

18 (d) A person may not provide an individual with an application for
 19 an absentee ballot with the following information already printed or
 20 otherwise set forth on the application when provided to the individual:

- 21 (1) The address to which the absentee ballot would be mailed, if
 22 different from the voter registration address of the individual.
- 23 (2) In a primary election, the major political party ballot requested
 24 by the individual.
- 25 (3) In a primary or general election, the types of absentee ballots
 26 requested by the individual.

27 ~~(4) The reason why the individual is entitled to vote an absentee~~
 28 ~~ballot:~~

- 29 ~~(A) by mail; or~~
- 30 ~~(B) before an absentee voter board (other than an absentee~~
 31 ~~voter board located in the office of the circuit court clerk or a~~
 32 ~~satellite office);~~
- 33 ~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or~~
 34 ~~IC 3-11-10-25.~~

35 ~~(5)~~ (4) The voter identification number of the individual.

36 (e) If the county election board determines that an absentee ballot
 37 application does not comply with subsection (d), the board shall deny
 38 the application under section 17.5 of this chapter.

39 (f) A person who assists an individual in completing any
 40 information described in subsection (d) on an absentee ballot
 41 application shall state under the penalties for perjury the following
 42 information on the application:

- 43 (1) The full name, residence and mailing address, and daytime
 44 and evening telephone numbers (if any) of the person providing
 45 the assistance.
- 46 (2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board not later than:

(1) noon ten (10) days after the person receives the application;

or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) Beginning January 1, 2015, the date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

- 1 (A) is ineligible to vote or to cast an absentee ballot; or
- 2 (B) did not properly complete and sign the application.
- 3 (5) A statement that the person is executing the affidavit under the
- 4 penalties of perjury.
- 5 (6) A statement setting forth the penalties for perjury.
- 6 (i) The county election board shall record the date and time of the
- 7 filing of the affidavit.

8 SECTION 17. IC 3-11-4-18, AS AMENDED BY P.L.194-2013,
 9 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2016]: Sec. 18. (a) ~~If a voter satisfies any of the~~
 11 ~~qualifications described in IC 3-11-10-24 that entitle a voter to cast an~~
 12 ~~absentee ballot by mail~~; The county election board shall, at the request
 13 of the voter, mail the official ballot, postage fully prepaid, to the voter
 14 at the address stated in the application.

15 (b) If the county election board mails an absentee ballot to a voter
 16 required to file additional documentation with the county voter
 17 registration office before voting by absentee ballot under this chapter,
 18 the board shall include a notice to the voter in the envelope mailed to
 19 the voter under section 20 of this chapter. The notice must inform the
 20 voter that the voter must file the additional documentation required
 21 under IC 3-7-33-4.5 with the county voter registration office not later
 22 than noon on election day for the absentee ballot to be counted as an
 23 absentee ballot, and that, if the documentation required under
 24 IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the
 25 ballot will be processed as a provisional ballot. The commission shall
 26 prescribe the form of this notice under IC 3-5-4-8.

27 (c) Except as provided in this subsection, section 18.5 of this
 28 chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

- 29 (1) on the day of the receipt of the voter's application; or
- 30 (2) not more than five (5) days after the date of delivery of the
- 31 ballots under section 15 of this chapter;

32 whichever is later. If the election board determines that the county
 33 voter registration office has received an application from the applicant
 34 for registration at an address within the precinct indicated on the
 35 application, and the election board determines that this application is
 36 pending under IC 3-7-33, the ballot shall be mailed on the date the
 37 county voter registration office indicates under IC 3-7-33-5(f) that the
 38 applicant is a registered voter.

39 (d) As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election
 40 board shall establish a voter education program (specific to a paper
 41 ballot or optical scan ballot card provided as an absentee ballot under
 42 this chapter) to notify a voter of the effect of casting multiple votes for
 43 a single office.

44 (e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an
 45 absentee ballot is mailed under this section, the mailing must include:

- 46 (1) information concerning the effect of casting multiple votes for

1 an office; and

2 (2) instructions on how to correct the ballot before the ballot is
3 cast and counted, including the issuance of replacement ballots.".

4 Page 5, between lines 32 and 33, begin a new paragraph and insert:

5 "SECTION 20. IC 3-11-8-15, AS AMENDED BY P.L.194-2013,
6 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2016]: Sec. 15. (a) Only the following persons are
8 permitted in the polls during an election:

9 (1) Members of a precinct election board.

10 (2) Poll clerks and assistant poll clerks.

11 (3) Election sheriffs.

12 (4) Deputy election commissioners.

13 (5) Pollbook holders and challengers.

14 (6) Watchers.

15 (7) Voters for the purposes of:

16 (A) voting; or

17 **(B) for voters registering to vote on election day under**
18 **IC 3-7-49, filing a copy of the documentation required by**
19 **IC 3-7-49-2(a) with the precinct election board in the**
20 **voter's precinct so that the voter's provisional ballot may**
21 **be counted under IC 3-11.7.**

22 (8) Minor children accompanying voters as provided under
23 IC 3-11-11-8.

24 (9) An assistant to a precinct election officer appointed under
25 IC 3-6-6-39.

26 (10) An individual authorized to assist a voter in accordance with
27 IC 3-11-9.

28 (11) A member of a county election board, acting on behalf of the
29 board.

30 (12) A mechanic authorized to act on behalf of a county election
31 board to repair a voting system (if the mechanic bears credentials
32 signed by each member of the board).

33 (13) Either of the following who have been issued credentials
34 signed by the members of the county election board:

35 (A) The county chairman of a political party.

36 (B) The county vice chairman of a political party.

37 However, a county chairman or a county vice chairman who is a
38 candidate for nomination or election to office at the election may
39 not enter the polls under this subdivision.

40 (14) The secretary of state, as chief election officer of the state,
41 unless the individual serving as secretary of state is a candidate
42 for nomination or election to an office at the election.

43 (b) This subsection applies to a simulated election for minors
44 conducted with the authorization of the county election board. An
45 individual participating in the simulated election may be in the polls for
46 the purpose of voting. A person supervising the simulated election may

1 be in the polls to perform the supervision.

2 (c) The inspector of a precinct has authority over all simulated
3 election activities conducted under subsection (b) and shall ensure that
4 the simulated election activities do not interfere with the election
5 conducted in that polling place.

6 SECTION 21. IC 3-11-8-16, AS AMENDED BY P.L.230-2005,
7 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JANUARY 1, 2016]: Sec. 16. A person may not remain within a
9 distance equal to the length of the chute (as defined in IC 3-5-2-10) of
10 the entrance to the polls except for the purpose of:

11 (1) offering to vote; or

12 (2) **for voters registering to vote on election day under**
13 **IC 3-7-49, filing a copy of the documentation required by**
14 **IC 3-7-49-2(a) with the precinct election board in the voter's**
15 **precinct so that the voter's provisional ballot may be counted**
16 **under IC 3-11.7.**

17 SECTION 22. IC 3-11-8-25.1, AS AMENDED BY P.L.76-2014,
18 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2016]: Sec. 25.1. (a) Except as provided in subsection
20 (e), a voter who desires to vote an official ballot at an election shall
21 provide proof of identification.

22 (b) Except as provided in subsection (e), before the voter proceeds
23 to vote in the election, a precinct election officer shall ask the voter to
24 provide proof of identification. One (1) of each of the precinct election
25 officers nominated by each county chairman of a major political party
26 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter
27 to provide proof of identification. The voter shall produce the proof of
28 identification to each precinct officer requesting the proof of
29 identification before being permitted to sign the poll list.

30 (c) If:

31 (1) the voter is unable or declines to present the proof of
32 identification; or

33 (2) a member of the precinct election board determines that the
34 proof of identification provided by the voter does not qualify as
35 proof of identification under IC 3-5-2-40.5;

36 a member of the precinct election board shall challenge the voter as
37 prescribed by this chapter.

38 (d) If the voter executes a challenged voter's affidavit under section
39 22.1 of this chapter, the voter may:

40 (1) sign the poll list; and

41 (2) receive a provisional ballot.

42 (e) A voter who votes in person at a precinct polling place that is
43 located at a state licensed care facility where the voter resides is not
44 required to provide proof of identification before voting in an election.

45 (f) After a voter has passed the challengers or has been sworn in, the
46 voter shall be instructed by a member of the precinct election board to

1 proceed to the location where the poll clerks are stationed. In a vote
 2 center county using an electronic poll list, two (2) election officers who
 3 are not members of the same political party must be present when a
 4 voter signs in on the electronic poll list. The voter shall announce ~~the~~
 5 ~~voter's name~~ to the poll clerks or assistant poll clerks **the voter's name**
 6 **and whether the voter wants to register to vote at the polls. If the**
 7 **voter wants to register and meets the conditions set forth in**
 8 **IC 3-7-49, the poll clerk or other precinct election officer shall**
 9 **register the voter in accordance with IC 3-7-49. If the voter is**
 10 **already registered,** a poll clerk, an assistant poll clerk, or a member
 11 of the precinct election board shall require the voter to write the
 12 following on the poll list or to provide the following information for
 13 entry into the electronic poll list:

14 (1) The voter's name.

15 (2) Except as provided in subsection (k), the voter's current
 16 residence address.

17 (g) The poll clerk, an assistant poll clerk, or a member of the
 18 precinct election board shall:

19 (1) ask the voter to provide or update the voter's voter
 20 identification number;

21 (2) tell the voter the number the voter may use as a voter
 22 identification number; and

23 (3) explain to the voter that the voter is not required to provide or
 24 update a voter identification number at the polls.

25 (h) The poll clerk, an assistant poll clerk, or a member of the
 26 precinct election board shall ask the voter to provide proof of
 27 identification.

28 (i) In case of doubt concerning a voter's identity, the precinct
 29 election board shall compare the voter's signature with the signature on
 30 the affidavit of registration or any certified copy of the signature
 31 provided under IC 3-7-29 or enter the information into the electronic
 32 poll book. If the board determines that the voter's signature is authentic,
 33 the voter may then vote. If either poll clerk doubts the voter's identity
 34 following comparison of the signatures, the poll clerk shall challenge
 35 the voter in the manner prescribed by section 21 of this chapter.

36 (j) If, in a precinct governed by subsection (g):

37 (1) the poll clerk does not execute a challenger's affidavit; or

38 (2) the voter executes a challenged voter's affidavit under section
 39 22.1 of this chapter or executed the affidavit before signing the
 40 poll list;

41 the voter may then vote.

42 (k) The electronic poll book (or each line on a poll list sheet
 43 provided to take a voter's current address) must include a box under the
 44 heading "Address Unchanged" so that the voter may check the box
 45 instead of writing the voter's current address on the poll list, or if an
 46 electronic poll book is used, the poll clerk may check the box after

1 stating to the voter the address shown on the electronic poll book and
 2 receiving an oral affirmation from the voter that the voter's residence
 3 address shown on the poll list is the voter's current residence address
 4 instead of writing the voter's current residence address on the poll list
 5 or reentering the address in the electronic poll book.

6 (l) If the voter indicates that the voter's current residence is located
 7 within another county in Indiana, the voter is considered to have
 8 directed the county voter registration office of the county where the
 9 precinct is located to cancel the voter registration record within the
 10 county. The precinct election board shall provide the voter with a voter
 11 registration application for the voter to complete and file with the
 12 county voter registration office of the county where the voter's current
 13 residence address is located.

14 (m) If the voter indicates that the voter's current residence is located
 15 outside Indiana, the voter is considered to have directed the county
 16 voter registration office of the county where the precinct is located to
 17 cancel the voter registration record within the county.

18 SECTION 23. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013,
 19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2016]: Sec. 25.5. **(a)** If an individual signs the
 21 individual's name and either:

22 (1) signs the individual's address; or

23 (2) checks the "Address Unchanged" box;

24 on the poll list or provides the information for entry by the poll clerk
 25 into the electronic poll list under section 25.1 of this chapter and then
 26 leaves the polls without casting a ballot or after casting a provisional
 27 ballot, the voter may not be permitted to reenter the polls, ~~to cast a~~
 28 ~~ballot at the election:~~ **except as provided by subsection (b).**

29 **(b) An individual who:**

30 **(1) registers to vote on election day under IC 3-7-49; and**

31 **(2) casts a provisional ballot under IC 3-11.7 because the**
 32 **individual is unable to present the documentation required**
 33 **under IC 3-7-49-2(a);**

34 **is entitled to reenter the polls solely to file a copy of the**
 35 **documentation required by IC 3-7-49-2(a) with the precinct**
 36 **election board in the individual's precinct so that the individual's**
 37 **provisional ballot may be counted under IC 3-11.7.**

38 SECTION 24. IC 3-11-10-24, AS AMENDED BY P.L.225-2011,
 39 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2016]: Sec. 24. (a) Except as provided in subsection (b),
 41 a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

42 ~~(1) The voter has a specific, reasonable expectation of being~~
 43 ~~absent from the county on election day during the entire twelve~~
 44 ~~(12) hours that the polls are open.~~

45 ~~(2) The voter will be absent from the precinct of the voter's~~
 46 ~~residence on election day because of service as:~~

- 1 (A) a precinct election officer under IC 3-6-6;
- 2 (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
- 3 (C) a challenger or pollbook holder under IC 3-6-7; or
- 4 (D) a person employed by an election board to administer the
- 5 election for which the absentee ballot is requested.
- 6 (3) The voter will be confined on election day to the voter's
- 7 residence; to a health care facility; or to a hospital because of an
- 8 illness or injury during the entire twelve (12) hours that the polls
- 9 are open.
- 10 (4) The voter is a voter with disabilities.
- 11 (5) The voter is an elderly voter.
- 12 (6) The voter is prevented from voting due to the voter's care of
- 13 an individual confined to a private residence because of illness or
- 14 injury during the entire twelve (12) hours that the polls are open.
- 15 (7) The voter is scheduled to work at the person's regular place of
- 16 employment during the entire twelve (12) hours that the polls are
- 17 open.
- 18 (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- 19 (9) The voter is prevented from voting due to observance of a
- 20 religious discipline or religious holiday during the entire twelve
- 21 (12) hours that the polls are open.
- 22 (10) The voter is an address confidentiality program participant
- 23 (as defined in IC 5-26.5-1-6).
- 24 (11) The voter is a member of the military or public safety officer.
- 25 (b) A voter with disabilities who:
- 26 (1) is unable to make a voting mark on the ballot or sign the
- 27 absentee ballot secrecy envelope; and
- 28 (2) requests that the absentee ballot be delivered to an address
- 29 within Indiana;
- 30 must vote before an absentee voter board under section 25(b) of this
- 31 chapter.
- 32 (c) If a voter receives an absentee ballot by mail, the voter shall
- 33 personally mark the ballot in secret and seal the marked ballot inside
- 34 the envelope provided by the county election board for that purpose.
- 35 The voter shall:
- 36 (1) deposit the sealed envelope in the United States mail for
- 37 delivery to the county election board; or
- 38 (2) authorize a member of the voter's household or the individual
- 39 designated as the voter's attorney in fact to:
- 40 (A) deposit the sealed envelope in the United States mail; or
- 41 (B) deliver the sealed envelope in person to the county
- 42 election board.
- 43 (d) If a member of the voter's household or the voter's attorney in
- 44 fact delivers the sealed envelope containing a voter's absentee ballot to
- 45 the county election board, the individual delivering the ballot shall
- 46 complete an affidavit in a form prescribed by the commission. The

1 affidavit must contain the following information:

2 (1) The name and residence address of the voter whose absentee
3 ballot is being delivered.

4 (2) A statement of the full name, residence and mailing address,
5 and daytime and evening telephone numbers (if any) of the
6 individual delivering the absentee ballot.

7 (3) A statement indicating whether the individual delivering the
8 absentee ballot is a member of the voter's household or is the
9 attorney in fact for the voter. If the individual is the attorney in
10 fact for the voter, the individual must attach a copy of the power
11 of attorney for the voter, unless a copy of this document has
12 already been filed with the county election board.

13 (4) The date and location at which the absentee ballot was
14 delivered by the voter to the individual delivering the ballot to the
15 county election board.

16 (5) A statement that the individual delivering the absentee ballot
17 has complied with Indiana laws governing absentee ballots.

18 (6) A statement that the individual delivering the absentee ballot
19 is executing the affidavit under the penalties of perjury.

20 (7) A statement setting forth the penalties for perjury.

21 (e) The county election board shall record the date and time that the
22 affidavit under subsection (d) was filed with the board.

23 (f) After a voter has mailed or delivered an absentee ballot to the
24 office of the circuit court clerk, the voter may not recast a ballot, except
25 as provided in section 1.5 of this chapter.

26 SECTION 25. IC 3-11-10-26, AS AMENDED BY P.L.258-2013,
27 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2016]: Sec. 26. (a) This subsection applies to all
29 counties, except for a county to which IC 3-6-5.2 applies. As an
30 alternative to voting by mail, a voter is entitled to cast an absentee
31 ballot before an absentee voter board at any of the following:

32 (1) One (1) location of the office of the circuit court clerk
33 designated by the circuit court clerk.

34 (2) A satellite office established under section 26.3 of this
35 chapter.

36 (b) This subsection applies to a county to which IC 3-6-5.2 applies.
37 As an alternative to voting by mail, a voter is entitled to cast an
38 absentee ballot before an absentee voter board at any of the following:

39 (1) The office of the board of elections and registration.

40 (2) A satellite office established under section 26.3 of this
41 chapter.

42 (c) Except for a location designated under subsection (a)(1), a
43 location of the office of the circuit court clerk must be established as
44 a satellite office under section 26.3 of this chapter in order to be used
45 as a location at which a voter is entitled to cast an absentee ballot
46 before an absentee voter board under this section.

1 (d) The voter must:

2 (1) sign an application on the form prescribed by the commission
3 under IC 3-11-4-5.1; and

4 (2) provide proof of identification;

5 before being permitted to vote. The application must be received by the
6 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

7 (e) The voter may vote before the board not more than twenty-eight
8 (28) days nor later than noon on the day before election day. If the
9 close of a voter registration period is transferred under IC 3-5-4-1.5
10 from twenty-nine (29) days to a later date due to the Columbus Day
11 holiday, the voter may vote before the board on the first day following
12 the day on which the voter registration period closes.

13 (f) An absent uniformed services voter who is eligible to vote by
14 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
15 may vote before the board not earlier than twenty-eight (28) days
16 before the election and not later than noon on election day. If the close
17 of a voter registration period is transferred under IC 3-5-4-1.5 from
18 twenty-nine (29) days to a later date due to the Columbus Day holiday,
19 the voter may vote before the board on the first day following the day
20 on which the voter registration period closes. If a voter described by
21 this subsection wishes to cast an absentee ballot during the period
22 beginning at noon on the day before election day and ending at noon on
23 election day, the county election board or absentee voter board may
24 receive and process the ballot at a location designated by resolution of
25 the county election board.

26 (g) The absentee voter board in the office of the circuit court clerk
27 must permit voters to cast absentee ballots under this section for at
28 least seven (7) hours on each of the ~~two (2)~~ **four (4)** Saturdays
29 preceding election day.

30 ~~(h) Notwithstanding subsection (g), in a county with a population of~~
31 ~~less than twenty thousand (20,000), the absentee voter board in the~~
32 ~~office of the circuit court clerk, with the approval of the county election~~
33 ~~board, may reduce the number of hours available to cast absentee~~
34 ~~ballots under this section to a minimum of four (4) hours on each of the~~
35 ~~two (2) Saturdays preceding election day.~~

36 ~~(i)~~ **(h)** As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter
37 casting an absentee ballot under this section must be:

38 (1) permitted to verify in a private and independent manner the
39 votes selected by the voter before the ballot is cast and counted;

40 (2) provided with the opportunity to change the ballot or correct
41 any error in a private and independent manner before the ballot is
42 cast and counted, including the opportunity to receive a
43 replacement ballot if the voter is otherwise unable to change or
44 correct the ballot; and

45 (3) notified before the ballot is cast regarding the effect of casting
46 multiple votes for the office and provided an opportunity to

correct the ballot before the ballot is cast and counted.

(j) (i) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) (j) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(k) (k) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9."

Page 16, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 35. IC 3-11.7-2-1, AS AMENDED BY P.L.219-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. (a) As provided by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, this section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.
- (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.
- (3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(4) An individual who is registering to vote at the polls but has not presented identification required under IC 3-7-49-2.

(b) ~~As required by 42 U.S.C. 15483~~; A voter who has registered to vote but has not:

- (1) presented identification required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** to the poll clerk before voting in person under IC 3-11-8-25.1; ~~or~~
- (2) filed a copy of the identification required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** to the county voter registration office before the voter's absentee ballot is cast; ~~or~~
- (3) presented identification required under IC 3-7-49-2 to the poll clerk before voting in person under IC 3-11-8-25.1;**

- 1 is entitled to vote a provisional ballot under this article.
2 (c) A precinct election officer shall inform an individual described
3 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
4 ballot if the individual:
5 (1) is eligible to vote under IC 3-7-13-1;
6 (2) submitted a voter registration application during the
7 registration period described by IC 3-7-13-10; and
8 (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.
9 (d) A precinct election officer shall inform an individual described
10 by subsection (a)(3) that the individual may cast a provisional ballot".
11 Renumber all SECTIONS consecutively.
(Reference is to HB 1008 as printed February 13, 2015.)

Representative Kersey